



Crl.M.P.No.2796 of 2023
Crl.A.No.185 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.2796 of 2023
Crl.A.No.185 of 2023

J.Jayapaul Mohan

... Petitioner/Appellant

Vs.

State rep.by
Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-corruption,
Chennai
(Crime No.07/2015)

... Respondent/Respondent

PRAYER: Criminal Miscellaneous petition has been filed under Section 389(1) of Cr.P.C., praying to suspend the sentence imposed on the petitioner in C.C.No.10 of 2021 passed by the learned Special Judge, Special Court for trial of cases under the Prevention of Corruption Act, Chennai, by the judgment dated 10.02.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.T.Saikrishnan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.10 of 2021, on the file the learned Special Judge, Special Court for trial of cases under the Prevention of Corruption Act, Chennai, vide judgement dated 10.02.2023, pending disposal of the Criminal Appeal.

2. The learned Special Judge, Special Court for trial of cases under the Prevention of Corruption Act, Chennai, vide judgment dated 10.02.2023 passed in C.C. No.10 of 2021, convicted and sentenced the petitioner, as extracted hereunder.

Accused	Conviction under Section	Sentence
<u>Petitioner</u>	The petitioner is convicted u/s 7 of Prevention of Corruption Act 1988, and Under	3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three month simple imprisonment. Total fine imposed against this petitioner is Rs.1,000/-



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Accused	Conviction under Section	Sentence
	Section 248(2) of Cr.P.C.	

The above sentences and were ordered to run concurrently.
Challenging the above conviction and sentence, the petitioner preferred
an Appeal in CrI.A.No.185 /2023.

3. Challenging the conviction and sentence slapped by the Trial
Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are
arguable points in this Criminal Appeal. He further submitted that
already, the petitioner paid the fine amount hence, prayed for
suspension of sentence.

5. Heard the learned Additional Public Prosecutor appearing for
the respondent and perused the impugned judgment and the materials
on record.



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6. Considering the facts and circumstances of the case and the petitioner is aged about 64 years, there is no possibility of abscondence, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum to the satisfaction of the learned Special Judge, (Special Court for trial of cases under the Prevention of Corruption Act) Chennai.***

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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(iii) The petitioner shall appear before the Trial Court on monthly twice i.e. 1st and 15th working day of every month at 10.30 a.m., for a period of six months.

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02.03.2023
(2/2)

To

1. The learned Special Judge,
Special Court for trial of cases under
the Prevention of Corruption Act,
Chennai.
2. The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-corruption,
Chennai.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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